

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH FAHEY,
Plaintiff,

No. C 06-06554 CRB

ORDER RE: BENCH TRIAL

v.

WESTERN CONFERENCE OF
TEAMSTERS PENSION PLAN,
Defendant.

This is an ERISA action to recover pension credits and benefits. Now pending before the Court are the parties' cross-motions for summary judgment. Because the standard of review is *de novo*, the Court hereby converts the summary judgment proceeding to a bench trial on the administrative record, as supplemented by the parties in their moving papers. See Kearny v. Standard Ins. Co., 175 F.3d 1084, 1094-95 (9th Cir. 1999) (en banc). The Court will hear oral argument as previously scheduled at 10:00 a.m. on Friday, June 22, 2007.

IT IS SO ORDERED.

Dated: June 19, 2007



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE